IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.440 OF 2005
IN
SUMMARY SUIT NO.1300 OF 2005

Kavita k. Shastri ....Plaintiff
V/s.
Artul H. Thakkar & Ors. ....Defendants

Mr.B.A. D'Lima for the Plaintiff.
Mr.S.K. Chaurasia i/b Mr.A.M. Saraogi for the Defendants.

CORAM : S.J. VAZIFDAR, J.
DATED : 28TH NOVEMBER, 2005.

P.C. :

1. The suit is filed to recover the amounts due on a bill of exchange drawn by Defendant No.1 and accepted by Defendant No.2.

2. There is no reply to the Plaintiff's notice of demand. The receipt of the notice is denied. Even assuming that the notice was not received, there is no defence to the suit.

3. In paragraph 4 of the affidavit in reply contains a mischievous denial. Defendant No.1 has alleged that the bill of exchange is forged and fabricated. This allegation appears incorrect. In

the same paragraph, the Defendants also stated that bill of exchange might have come to the custody of the Plaintiff through his staff members. What makes this defence even less probable is that in paragraph 4, Defendant No.1 also states that his father had been acting as a finance broker and had probably procured blank bills of exchange from Defendant No.1 for his business purpose which after his death had come in the hands of the Plaintiff. The pleadings are inconsistent.

4. What is even more important to note is the fact that Defendant No.2 in his affidavit in reply has not denied the acceptance of the bill of exchange. Defendant No.1 does not even state in his affidavit that Defendant No.2 did not accept the bill of exchange. There is no explanation why Defendant No.2 accepted the bill of exchange.

5. In the circumstances, the Summons for Judgment is made absolute and the suit is decreed as prayed with costs.

. Refund as per rules.